

THACHER PROFFITT & WOOD LLP  
50 Main Street  
White Plains, New York 10606  
Kevin J. Plunkett  
Darius P. Chafizadeh  
Andrew B. Zinman  
*Attorneys for Defendants*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

VIOLETA DZIKOVIC, HATIXHA ZHERKA, KUJTIM  
ZHERKA, JOHN O'NEILL, GABRIEL POTENTE, MADLIN  
SULEIMAN, LANA MARJI, KENNETH HESLOP, RANDA  
SAYEGH, CHANDRA SOOKDEO, JONI CAMPBELL,  
YOLANDA COLLAZO, ROBERTO RODRIGUEZ,  
GUILLERMO CORSO, CHEZEKIA CORSO, ARACELIS  
BATISTA, ALICIA CORZO, MARIO MARTINEZ, ANGEL  
FELIZ, Sr., ANGEL FELIZ, Jr., DOMINICK D'INTINO,  
ROBERT PALERMO, SAL POTENTE, JAMES CAREY,  
VERONIKA DZIKOVIC and DEREK ROBERTO,

Plaintiffs,

-against-

PHILIP AMICONE, individually, EDMUND  
HARTNETT, individually, JOHN A. LISZEWSKI,  
individually, LAWRENCE A. PORCARI, Jr., CITY OF  
YONKERS, New York, PAUL WOOD, individually,  
POLICE OFFICERS JOHN DOES #1 to #20,  
individually, and SANITATION WORKERS #1 to #20,  
individually,

Defendants.

ECF Case

07 Civ. 7692 (CLB)

**CORRECTED NOTICE OF  
MOTION TO DISMISS**

**PLEASE TAKE NOTICE**, that upon the Declaration of Andrew B. Zinman dated September 26, 2007, the accompanying Memorandum of Law, and all other papers filed in this proceeding, Defendant Lawrence A. Porcari, Jr. ("Porcari") will move before Honorable Charles L. Brieant, United States District Court, Southern District of New York, 300 Quarropas Street, White Plains, New York, on October 26, 2007 at 10 a.m. or as soon thereafter as counsel can be heard, for an order dismissing Plaintiffs' Complaint dated August 28, 2007 (the "Complaint") as

and against Porcari pursuant to Federal Rule of Civil Procedure 12(b)(6) upon the ground that the Complaint fails to state a cause of action upon which relief can be granted because Porcari is entitled to absolute and/or qualified immunity.

Dated: White Plains, New York  
September 28, 2007

THACHER PROFFITT & WOOD LLP  
*Attorneys for Defendants*

By: s/Kevin J. Plunkett  
Kevin J. Plunkett  
Darius P. Chafizadeh  
50 Main Street  
White Plains, New York 10606  
(914) 421-4100

TO:

Lovett & Gould, LLP  
222 Bloomingdale Road  
White Plains, New York 10605  
(914) 428-8401